IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1517 OF 2006

Rasak Bux Kader Bux & Anr. ...Petitioners
Vs.
The State of Maharashtra & Ors. ...Respondents

Mr. Jeetendra Ramagude for the Petitioners
Mrs. S.D. Shinde, A.P.P for the State

CORAM: SHRI J.N.PATEL &
SMT. ROSHAN DALVI, JJ.
DATED: 26TH SEPTEMBER, 2006

P.C.

1. Today the learned A.P.P has filed the affidavit of A.P.I. Mr. Chandrashekhar D. Bhabal who has conducted the prilliminary inquiry into the matter and found that the allegations made into the matter are baseless. The learned Counsel for the Petitioner is not in a position to support the allegations made in the Petition by any independent material, nor affidavits of the 2 girls whose parents are alleged to have made such a grievance to the Petitioner.

2. Therefore, primafacie we are satisfied that the allegations made in the Petition are false and the Petitioner has invoked

the extraordinary jurisdiction of this Court on the basis of such false allegations which he is not in a position to support the allegations made and it also amount to imputation relating to the character of the Respondent if such allegations are made. This is nothing but the abuse of the process of the Court. The Petition is dismissed with compensatory cost which we quantify at Rs.10,000/-.

3. The Petitioner to deposit the cost in this Court within a period of 4 weeks. On such cost being deposited the same be credited to the Account of High Court Legal Services Committee/Maharashtra State Legal Services Authority. On failure of the Petitioner to deposit the costs, we direct the Collector, Mumbai to recover the cost as fine by resorting to the procedure under the Provisions of Maharashtra Land Revenue Code, 1966.

(SMT.ROSHAN DALVI, J.) (SHRI. J.N. PATEL, J.)